

REMARKS

After the foregoing amendment, claims 1, 5, 6, 10, 11, 13, 23, 24, 26, 27, 31, and 32 are currently pending in this application. Claims 1, 13, and 23 have been amended. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC § 103

Claims 1, 5, 6, 10, 13, 23-27, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Luberto (US 5,725,146) in view of Yocum (US 6,027,018). Applicant respectfully traverses this rejection.

Independent claims 1, 13, and 23 have each been amended to recite a container or a blank for a carton that includes “at least one bottom tab” provided at a lower surface or edge of the container and “at least one top tab” that is “provided at an upper surface or edge of the container opposite the at least one bottom tab.” This feature is shown in at least Figures 2SB, 2A, 2B, 3A, 3B, 5B, 8A-9B, 11A, and 11B. The presence of at least one bottom tab at a lower surface of the container and at least one top tab at an upper surface of the container opposite the at least one bottom tab allows for easy stacking of multiple containers, where a bottom tab of one container can interlock with a corresponding top tab of another container. This configuration of the top and bottom tabs also improves the strength, stability, and

heat retention of the containers, and further aids in the delivery, pick up, and storage of multiple containers.

The combination of Luberto and Yocum fails to disclose or suggest every element of the currently amended independent claims. Specifically, neither Luberto nor Yocum discloses or suggests a container having at least one bottom tab provided at a lower surface or edge of the container and “at least one top tab” that is “provided at an upper surface or edge of the container opposite the at least one bottom tab,” as recited by the present claims. The Action points to Luberto’s tabs 52, 54 as “at least one bottom tab” that is “provided at a lower surface of edge of the container.” However, even if Luberto’s tabs 52, 54 are capable of providing air circulation under the assembled container, Luberto lacks at least one top tab provided at an upper surface or edge of the container opposite tabs 52, 54. As shown in Figures 1 and 4 of Luberto, the only tabs 38, 40, 52, 54 of Luberto’s pizza box 11 are located on the side edges 14, 16 of the bottom panel 12. (See also Luberto, col. 4, lines 6-10 and 33-36). Yocum, which is directed to a carton with a prize coupon formed in one of the carton’s walls, is silent on any tabs provided at a lower or upper surface of the container and fails to remedy the deficiencies of Luberto. Accordingly, the combination of Luberto and Yocum cannot render currently amended claims 1, 13, and 23 obvious.

Claims 5, 6, 10, 24-27, and 31 are dependent upon claims 1, 13, and 23, and should be allowable over the references of record for at least the same reasons provided above.

Based on the amendments and arguments presented above, withdrawal of the § 103(a) rejection of claims 1, 5, 6, 10, 13, 23-27, and 31 is respectfully requested.

Claims 11 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Luberto in view of Yocum as applied to claims 1 and 23, and further in view of Uffmann (US 6,153,280). Applicant respectfully traverses this rejection.

As discussed above, the combination of Luberto and Yocum fails to disclose or suggest every element of currently amended claims 1 and 23, which claims 11 and 32 depend from. Specifically, Luberto and Yocum fail to disclose or suggest a container or blank for a carton that includes at least one bottom tab provided at a lower surface of edge of the container and at least one top tab “provided at an upper surface or edge of the container opposite the at least one bottom tab.” Uffmann’s teaching of a magnetic card with perforations 58 fails to remedy the deficiencies of Luberto and Yocum and does not combine with those references to render the above claims obvious. Accordingly, withdrawal of the § 103(a) rejection of claims 11 and 32 is respectfully requested.

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Conclusion

If the Examiner believes that any additional matters need to be addressed in order to place this application in condition for allowance, or that an interview will help advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including all of the pending claims, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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